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TELEGRAM

BI 027

INDICATE
☐ COLLECT
☐ CHARGE TO

FROM

AmEmbassy BUENOS AIRES

CLASSIFICATION

11652:

N/A

TAGS:

CIVS, SREF, SHUM, AR

JECT:

STATUS OF RIGHT OF OPTION PROGRAM

CTION:

SECSTATE WASHDC

INFO :

AMEMBASSY ASUNCION

AMEMBASSY BRASILIA

AMEMBASSY MONTEVIDEO

AMEMBASSY SANTIAGO

[REDACTED] BUENOS AIRES 0741

REF: (A) 77 BUENOS AIRES 7241 (NOTAL) (B) BUENOS AIRES
149 (NOTAL)

SUMMARY: THE RIGHT OF OPTION PROCEDURES DECREED BY THE
GOA IN SEPTEMBER (REFTEL A) ARE WORKING ALMOST
IMPERCEPTIBLY, BUT SOME GOA SPOKESMEN TELL US
MORE ACTION IS IMMINENT. EMBASSY HAS BEEN REQUESTED TO
SUPPLY OVER 100 CERTIFICATES SAYING THAT APPLICANTS
FOR RIGHT OF OPTION ARE ELIGIBLE FOR ADMISSION TO US AND
IS PROCEEDING TO PROCESS THESE APPLICATIONS. PRIOR
TO CERTIFICATE ISSUANCE, EMBASSY MAKES CHECKS TO DETERMINE
IF APPLICANT FOR RIGHT OF OPTION QUALIFIES FOR ADMISSION
INTO US. SOME PROCEDURAL PROBLEMS REMAIN UNRESOLVED,
AND, IF CURRENT TRENDS CONTINUE, A SIGNIFICANT WORKLOAD

D BY:

MChaplin/pm

DRAFTING DATE

1/30/78

TEL. EXT.

201

CONTENTS AND CLASSIFICATION APPROVED BY:

Amb Castro

NCES.

POL:WHallman (draft)

CONS:GShapiro (draft)

81F93
50/52

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

☒ Release ☐ Excise ☐ Deny

Exemption(s):

☐ In Part ☒ In Full☐ Classify as ☐ Extend as ☐ Downgrade to

Date _____ Declassify on _____ Reason _____

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PROBLEM IS UPON US. USG SHOULD URGE GOA TO ASK ICEM TO ESTABLISH PROGRAM SIMILAR TO THAT USED IN CHILEAN PRISONER PROGRAM. USG SHOULD URGE ICEM TO ACCEPT THIS TASK. END SUMMARY

1. ON SEPTEMBER 17, 1977 AFTER CONSIDERABLE ADVANCE PUBLICITY DATING BACK TO JUNE 1977, THE GOA ISSUED A CONSTITUTIONAL AMENDMENT AND LAW 21,650, WHICH TOGETHER MODIFIED AND REGULATED ARTICLE 23 OF THE ARGENTINE CONSTITUTION, PROVIDING FOR A RESTRICTED RIGHT OF OPTION TO LEAVE THE COUNTRY TO THOSE PEOPLE HELD UNDER THE EXECUTIVE'S STATE OF SEIGE DETENTION POWER (PODER EJECUTIVO NACIONAL, OR P.E.N.). THE GOA IN EFFECT CREATED A RIGHT FOR DETAINEES TO PETITION TO LEAVE THE COUNTRY, IN PLACE OF THE PREVIOUS CONSTITUTIONAL PROVISION WHICH PROVIDED THEM A RIGHT TO LEAVE THE COUNTRY. VARIOUS GOA OFFICIALS ASSURED THE EMBASSY THAT THE GOVERNMENT WOULD ACTIVELY REVIEW LARGE NUMBERS OF CASES UNDER THIS DECREE TO ACHIEVE A SUBSTANTIAL REDUCTION IN THE PRISON POPULATION. THEY CAUTIONED, HOWEVER, THAT THE REVIEW PROCEDURES WOULD BE TIME-CONSUMING, SO THAT AS A MINIMUM SEVERAL MONTHS ~~WEEK~~ WOULD HAVE TO ELAPSE BEFORE APPROVALS UNDER THIS PROGRAM COULD BE EXPECTED.

2. THE REVISED RIGHT OF OPTION--OR RIGHT OF PETITION--

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PROGRAM FORMALLY PROVIDED THAT APPROVAL MUST BE RECOMMENDED BY A BOARD OF THREE FLAG-RANK OFFICERS-- ONE FROM EACH SERVICE--CHAired BY THE MINISTER OF INTERIOR AND THAT THE EXECUTIVE HAD TO RENDER A DECISION WITHIN 120 DAYS OF AN APPLICATION RECEIPT. WE ARE TOLD THAT THE INFORMAL SYSTEM GIVES A VETO OVER ANY RELEASE TO NOT ONLY THE SERVICES AND THE MINISTRY OF INTERIOR BUT ALSO TO ANY CORPS COMMANDER, PROVINCIAL GOVERNOR, THE POLICE AND THE INTELLIGENCE AGENCIES. WHAT HAS REPORTEDLY BEEN ADOPTED IS A "BLACKBALL" VETO PROCEDURE, BUT AS YET THERE IS NO POLICY CONSENSUS AMONG THE PARTICIPANTS THAT WE CAN SEE.

3. THE EMBASSY HAS RECENTLY RECEIVED CONFLICTING INFORMATION ON THE IMPLEMENTATION OF THE RIGHT OF OPTION PROGRAM AND THERE IS STILL NO CLEAR EVIDENCE THAT THE PARTICIPATING GOA ELEMENTS HAVE MADE A GENUINE COMMITMENT TO USE THIS TO REDUCE ITS PRISON POPULATION. IN THE PAST WE HAVE BEEN LED TO BELIEVE BY THE ARMY AND MINISTRY OF INTERIOR THAT SUCH COMMITMENT HAD BEEN MADE. WE HAVE RECENTLY BEEN TOLD BY A TOP-RANKING NAVY OFFICER THAT THE FLAG-RANK OFFICERS WHO MAKE FORMAL RECOMMENDATIONS IN EACH CASE HAD NOT BEEN APPOINTED TO THEIR POSITIONS. ON JANUARY 25 INTERIOR MINISTER

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HARGUINDEGUY TOLD A US VISITOR THESE OFFICERS
HAD BEEN APPOINTED AND A LIST OF PRISONERS WHO
WOULD BE GRANTED THE OPTION TO LEAVE THE COUNTRY
FEBRUARY 15.
WOULD BE PUBLISHED ON ~~JANUARY 22 XXXXXX THIS DID NOT~~

~~XXXXXX~~ OTHER SOURCES CITE THE FACT THAT TEN PRISONERS
ON THE DECEMBER 23, 1977 LIST WERE GRANTED THE RIGHT
TO LEAVE THE COUNTRY. WE ARE UNABLE TO DETERMINE WHETHER
THESE TEN NAMES (ALL OF WHOM APPARENTLY WERE
PERMITTED TO LEAVE) WERE PROCESSED UNDER LAW 21,650
PROCEDURES OR WERE EXPELLED ON AN AD HOC BASIS ONLY
UNDER THE COLOR OF THAT LAW.

3. A PROCEDURAL PROVISION OF LAW 21,650 REQUIRES
APPLICANTS TO PROVIDE A CERTIFICATE FROM AN EMBASSY TO
THE EFFECT THAT THEY WILL BE ADMITTED TO A FOREIGN
COUNTRY IF THEY ARE RELEASED. THE EMBASSY HAS
RECEIVED 117 REQUESTS FOR SUCH CERTIFICATES AS
OF JANUARY 30. THE ITALIAN AND SPANISH EMBASSIES
INFORM US THAT IN ACCORD WITH THEIR DUAL NATIONALITY
LAWS, THEY HAVE ISSUED CERTIFICATES TO APPROXIMATELY
FIFTY APPLICANTS.

4. PRESENT EMBASSY PROCEDURES: WE ARE ATTEMPTING TO
BE RESPONSIVE TO APPLICANTS FOR THE RIGHT OF OPTION BY
PROVIDING THEM NECESSARY CERTIFICATES, WHILE AT THE
SAME TIME MAKING BEST EFFORTS TO ASSURE THAT WE ARE



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SATISFIED THE APPLICANT WILL BE ADMISSIBLE TO THE US. WE PROVIDE APPLICANTS WITH A QUESTIONNAIRE TO OBTAIN REQUIRED BIOGRAPHICAL INFORMATION AND TO ENABLE US TO DETERMINE IF THEY MAY BE ELIGIBLE FOR PREFERENCE IMMIGRANT STATUS. UPON RETURN OF THE QUESTIONNAIRE A VISA EAGLE CHECK IS REQUESTED, LOCAL RECORD CHECKS ARE INITIATED, AND THE REPRESENTATIVE OR RELATIVE OF THE APPLICANT IS ASKED TO OBTAIN APPROPRIATE POLICE CERTIFICATES. WHEN A REVIEW OF THE INFORMATION OBTAINED FROM THESE SOURCES RAISES NO ^{PRESUMPTION} ~~REASON~~ OF INADMISSIBILITY ON SECURITY OR MORAL TURPITUDE GROUNDS, A ~~SK~~ CERTIFICATE IS ISSUED WHICH STATES THAT ON THE BASIS OF A REVIEW OF PRELIMINARY ^{APPLICATION,} ~~XXXXXXXXXX~~ THE EMBASSY PERCEIVES NO OBSTACLE TO ADMISSION TO THE US. WHILE WE ARE OPTIMISTIC, WE HAVE NOT REPEAT NOT YET BEEN ASSURED THAT SUCH A CERTIFICATE WILL SATISFY THE GOA.

5. OUTLOOK FOR THE RIGHT OF OPTION PROGRAM:

WE WISH TO EMPHASIZE THAT DESPITE ITS APPARENT SIMILARITY, THE ARGENTINE PROGRAM IS NOT THE SAME AS THE CHILEAN PROGRAM TO RELEASE POLITICAL PRISONERS FOR EMIGRATION. THROUGH WE WERE PREVIOUSLY ASSURED THAT THE GOA HAD AGREED ON A POLICY TO PERMIT THE EMIGRATION OF THOSE WHOSE INVOLVEMENT IN SUBVERSIVE ACTIVITIES HAD BEEN TANGENTIAL OR SLIGHT, IT NOW APPEARS THAT THE GOA COMMITMENT WAS ONLY TO THE

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PROCEDURES AND NOT TO A LIBERAL POLICY. THE GOA HAS INSTEAD RELIED ON PERIODIC PRISONER AMNESTIES TO CLEAR THE JAILS OF NO-LONGER-WANTED POLITICAL PRISONERS, ACTIONS WHICH GIVE THE GOVERNMENT GREATER POSITIVE INTERNATIONAL PUBLICITY. THUS, WE CANNOT REALISTICALLY SPEAK OF A PROGRAM FOR RIGHT OF OPTION APPLICANTS UNTIL THE GOA HAS DEMONSTRATED THAT IT SERIOUSLY INTENDS TO EXPEDITE RIGHT OF OPTION PROCESSING.

6. PROCEDURAL AND WORKLOAD PROBLEMS:

AS SET FORTH ABOVE, THE PROCEDURE REQUIRES A SUBSTANTIAL AMOUNT OF PRELIMINARY PROCESSING OF APPLICATIONS WHICH MAY NEVER MATURE INTO FORMAL APPLICATIONS FOR ADMISSION. THE MINISTER OF INTERIOR TOLD A RECENT VISITOR THERE WERE APPROXIMATELY 3,400 PERSONS DETAINED UNDER THE EXECUTIVE POWER. IF ANY SIGNIFICANT NUMBER OF THESE APPLIED FOR A CERTIFICATE FROM THIS EMBASSY, THE WORKLOAD WOULD BE OVERWHELMING. AS THINGS STAND, WITH 117 APPLICATIONS, THE EMBASSY CAN PROCEED WITH WHAT WE CONSIDER THE MINIMUM NECESSARY CHECKS TO ISSUE THE CERTIFICATE REQUIRED BY THE GOA. HOWEVER, WE ARE OPERATING WITH NO MARGIN OF RESOURCES, GIVEN THE RECENT X GREAT INCREASE IN DEMAND FOR VISA SERVICES.


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THIS MESSAGE IS TO ALERT THE DEPARTMENT THAT, IF THE GOA DOES AGREE TO IMPLEMENT A PROGRAM OF RELEASE OF POLITICAL PRISONERS UNDER ITS REVISED RIGHT OF OPTION PROCEDURES, WE WILL HAVE AN IMMEDIATE NEED FOR X ADDITIONAL PERSONNEL RESOURCES.

7. IT SEEMS TO US THAT THERE IS A COMBINATION OF CIRCUMSTANCES WHICH WILL PRESS THE GOA TO FIND DEVICES SUCH AS THE RIGHT OF OPTION PROGRAM OR PERIODIC AMNESTIES TO REDUCE THE PRISON POPULATION. THE PARALLEL WITH CHILE SHOULD NOT REPEAT NOT BE RELIED UPON, BUT SOME SIMILAR PROCEDURAL STEPS ARE APPLICABLE. WE PARTICULARLY RECOMMEND THAT ICEM BE URGED TO UNDERTAKE A ROLE OF PRESCREENING OF POTENTIAL PAROLEES SIMILAR TO THAT WHICH IT HAS UNDERTAKEN IN CHILE, IF THE GOA BEGINS TO IMPLEMENT THE RIGHT OF OPTION PROGRAM SERIOUSLY. IF THIS PROGRAM ASSUMES ANY SIGNIFICANT SIZE IT WILL BE INDISPENSABLE FOR SOME INTERNATIONAL ORGANIZATION TO PROVIDE INTERMEDIARY SERVICES BETWEEN THE GOA AND THE RECIPIENT GOVERNMENTS. EMBASSY REQUESTS THAT THE DEPARTMENT USE EVERY APPROPRIATE INFLUENCE WITH ICEM WITH THE OBJECTIVE OF ~~MAX~~ OBTAINING ITS AGREEMENT TO CARRY OUT THIS ROLE. WE WILL BE MAKING PARALLEL EFFORT WITH GOA.


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